

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR295</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>MAURICE THOMAS,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion for a continuance of the trial by defendant Maurice Thomas (Thomas) (Filing No. 21). Thomas seeks a continuance of trial. Thomas's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted to the extent set forth below.

**IT IS ORDERED:**

1. Thomas's motion for a continuance of trial (Filing No. 21) is granted as set forth below.
2. Trial of this matter is rescheduled for **December 5, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 1, 2005 and December 5, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of November, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge